

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:07-00093-01

TODD ANDREW BRATTAIN

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant's motion to modify the order of restitution imposed in his case. (ECF No. 51).

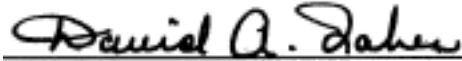
Defendant was ordered to pay restitution in the amount of \$19,929.00 and, if not paid immediately, was directed to make quarterly payments of \$25 while incarcerated. Defendant asks that all payments towards his restitution obligation be suspended while he is incarcerated.

"The statutes permitting modification of restitution orders . . . permit such modification only for changed circumstances. . . ." United States v. McMahon, 225 F. App'x 656, 2000 WL 1039473, *4 (4th Cir. 2000) (unpublished). Defendant has not alleged the type of changed circumstances under 18 U.S.C. § 3664(k) that would permit this court to modify his restitution payment schedule. Although defendant contends that "[w]ork and income [are] not an absolute in the Prison system," defendant acknowledges that he is currently employed. Accordingly, his motion is **DENIED**.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, defendant, and the Probation Office of this court.

IT IS SO ORDERED this 26th day of September, 2017.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge